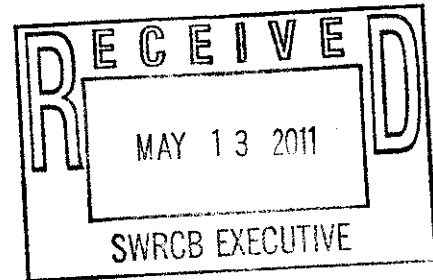




CITY OF CARSON

May 9, 2011

Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms. Townsend:

COMMENT LETTER – STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS REVIEW AND UPDATE

Thank you for the opportunity to comment on the draft Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs). The City of Carson is part of L.A. County Consolidated Sewer Maintenance District, and the city's sewer is operate and maintain by LA County Sewer Maintenance Department. We support the State Water Resources Control Board's (Board) goal of providing uniformity in reporting on the number of wastewater spills, the wastewater volume spilled, and the causes of wastewater spills in the State. However, the County of Los Angeles Department of Public Works (Department) has concerns over the proposed plan to replace the existing Statewide General Waste Discharge Requirements (WDRs) under Order No. 2006-0003-DWQ. Our concerns include the need to revise the existing WDRs at this time, the financial implications on our Sewer Maintenance Districts, and the concerns over the prescriptive nature of the proposed SSS WDRs.

Under the existing WDRs, adopted in May 2006, large agencies had up to three years to implement a Sewer System Management Plan (SSMP). Likewise, smaller agencies had four years to develop a SSMP. Most agencies have been operating for less than two years under their respective SSMP and have not had the opportunity to audit the effectiveness of their program. We urge the Board to delay or significantly scale back the proposed SSS WDRs and allow the programs and progress started under the existing WDRs to fully develop, especially since many of the programs involve capital improvements that will take time to be put in place.

The County of Los Angeles Board of Supervisors made the difficult decision to raise the Consolidated Sewer Maintenance District's annual sewer service charge by 45 percent to comply with the requirements under the existing WDRs. This generated approximately \$8,000,000 of additional annual revenue and was used to fund ten full-time maintenance crews along with purchasing additional sewer maintenance vehicles and equipment for those crews. Two satellite maintenance yards were opened

and the Department developed a Condition Assessment Program to televise approximately 500 miles of sewer lines each year. These efforts have been very effective in significantly reducing the number of sewer overflows, dropping from 226 Districtwide in 2007, to only 90 in 2010 (approximately 60 percent reduction). The Department have identified and corrected structural and maintenance deficiencies in our systems through the Condition Assessment Program. It will be extremely difficult to justify additional rate increases to comply with the proposed SSS WDRs, especially since it is unclear how the additional efforts required under the revised permit will produce corresponding environmental or public health benefits.

The following are specific comments to the draft SSS WDRs:

Item 5, page 2 of 26: The requirement to have enrollees cover all sewer systems they own has far reaching implications that have not been fully considered. Most county and city governments will fall under the SSS WDRs for the public sewer system serving their community. However, the same municipalities have private sewer laterals serving such facilities as airports, administration buildings, local colleges, courthouses, fire stations, golf courses, hospitals, libraries, maintenance yards, museums, parks, probation camps, public schools, and transportation facilities. To require all of these municipal facilities to be enrolled and covered under the SSS WDRs is unrealistic and imposes a huge administrative and financial burden that will have little if any benefit to the environment or public health. This section needs to be excluded or revised to exclude such facilities.

Section B: Application Requirements:

- Item 1, page 9 of 26: The draft SSS WDRs are specific to Enrollees who "own" a sanitary sewer system. The existing WDRs include Enrollees who "operate" sanitary sewer systems. The Department operates two Sewer Maintenance Districts, the Consolidated and Marina Sewer Maintenance Districts (Districts), established under the provisions of the State of California's Health and Safety Code. The Consolidated Sewer Maintenance District includes unincorporated County territory and 38 cities within the County of Los Angeles. The Districts LA County Sewer Maintenance Department operate and maintain the city's sewers, but do not own the sewers. The language in the SSS WDRs needs to include Enrollees who "operate" sanitary sewer systems.
- Item 4, page 10 of 26: The application requirements for coverage under the SSS WDRs should be revised to exempt Enrollees of Order No. 2006-003-DWQ from reapplying. They should be grandfathered for coverage thus eliminating unnecessary application fee costs.

Section C: Prohibitions

- Item 3, page 10 of 26: The discharge of potable water containing chlorine residual for wash down and clean up of spills needs to be clarified. Is the use of potable water for clean up permissible as long as all wash water is fully contained and returned to the sewer system?

Section D: Provisions

- Item 4, page 11 of 26: The requirement for Enrollees to report private lateral spills should be eliminated. To mandate that Enrollees expend resources to investigate and report private lateral spills is an unfunded State mandate and in our opinion goes beyond the authority of the City.
- Items 12 b (i) and b (ii), page 14 of 26: This section should be modified to exclude requirements of names, e-mail addresses, and phone numbers for agency officials responsible for the sewer collection system. These requirements are not appropriate for large agencies where there are frequent changes in personnel. Instead, titles of holders of the positions should be included, which would eliminate the need for frequent changes to the SSMP.
- Item 12 d (iv), page 16 of 26: It is unclear what is required under this section and it needs to be clarified or excluded in its entirety. The assessment of employee performance is confidential information and protected by law. It is not open to public inspection or available to the State for review. This is a very prescriptive and onerous order and it is unclear how the information will be used by the Board or how the efforts required will produce corresponding environmental or public health benefits.
- Item 12 d (vi), page 16 of 26: The requirement to demonstrate an agency's ability to fund the sewer system in perpetuity is unrealistic and should be deleted. Public agencies' budgets must be approved year-to-year. No public agency can guarantee a specified level of funding beyond what has been approved by its legislative body, let alone, in perpetuity.
- Item 12 f (vi), page 17 of 26: The second paragraph should be excluded from the Order or moved to Item 12 h, System Evaluation and Capacity Assurance Plan. Risk and threat analysis are integral parts of the closed-circuit televising programs utilized by most agencies for indentifying system deficiencies following industry-accepted standards such as the National Association of Sewer Service Companies' Pipeline Assessment and Certification Program Quick Rating Methodology to rank, prioritize, and address them.
- Item 12 i (vi), page 20 of 26: This section should be removed. The SSMP is a comprehensive document containing operations maps, equipment inventory, asset information, performance measures, capital programs, overflow logs, etc.,

and is updated on a continuous basis. To compile a log of every change is an onerous task that will not reduce or mitigate the impact of sewer overflows.

Notwithstanding our reservations, it is worth mentioning that the review committee has done a commendable job in providing some useful revisions to and additional provisions in the proposed Order. The following are some examples of the improvements made:

- Revisions to streamline spill notification points of contact.
- Expanding coverage of the SSS WDRs to private collection systems meeting the pipe mileage and proposed flow thresholds.
- Clarifying that sewer overflows to land are not the focus of the SSS WDR's.

Additionally, the public notice for the SSS WDRs invites comments on whether the Board should consider substituting a two-tiered "hybrid" system for regulating collection systems in which some agencies are regulated under a National Pollutant Discharge Elimination System (NPDES) permit and others under WDRs. We strongly urge the Board not to move forward with this option, for policy, legal, and practical reasons.

The proposed SSS WDRs do not authorize any discharges to waters. The SSS WDRs expressly prohibit all discharges of wastewater from the collection system to surface waters. If a sanitary sewer system discharges without a permit, it is already liable for discharging without a permit and subject to civil and criminal penalties.

We disagree with the characterization in the staff report that an advantage of the NPDES permit would be to allow increased third-party enforcement of the programmatic details of each system's operations and planning. Third-party enforcement is already overly aggressive and consuming millions of dollars in public resources. Moreover, this view loses sight of the purpose of the SSS WDRs in the first place, which is to reduce sewer overflows, not to second-guess every management and operation decision made by local government.

Thank you again for the opportunity to comment on the proposed SSS WDRs.



Sincerely,

M. Victor Rollinger, P.E.
General Manager
Development Services Group